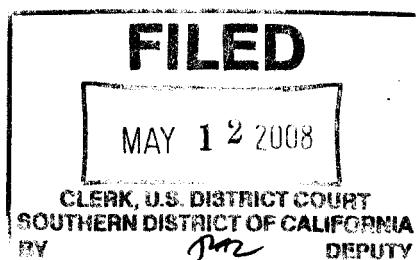


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Mag. Case No. **'08 MJ 8407**
Plaintiff,)
v.)
Mario ALVAREZ-Torres,)
Defendant.)

The undersigned complainant being duly sworn states:

On or about May 08, 2008, within the Southern District of California, defendant Mario ALVAREZ-Torres, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

*_____
Senior Border Patrol Agent*

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF MAY 2008.

*_____
PETER C. LEWIS
U.S. MAGISTRATE JUDGE*

I, Senior Border Patrol Agent M. Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complaint states that this complaint is based upon statements in the investigative reports by Border Patrol Agent C. Rubalcava that on May 8, 2008, the defendant, Mario ALVAREZ-Torres, a native and citizen of Mexico, was found in the United States in violation of law.

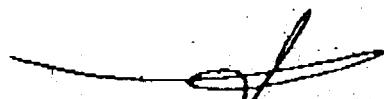
On May 8, 2008, Agent G. Elliott received information that two individuals made an illegal entry into the United States from Mexico approximately eleven miles west of the Calexico West Port of Entry. Agent Elliott responded to the area where the illegal entrants were last seen.

At approximately 9:15 P.M., Agent Elliott encountered two individuals attempting to conceal themselves in the brush. Agent Elliott identified himself to the individuals and questioned them. It was determined that both of them, including one later identified as Mario ALVAREZ-Torres, are natives and citizens of Mexico illegally in the United States. ALVAREZ and the other illegal entrant were arrested and transported to the Imperial California Border Patrol Station.

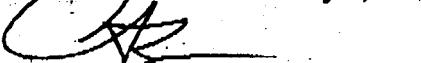
During processing at the station, ALVARAZ' fingerprints were entered into the IDENT/LAFIS system. Record checks revealed ALVAREZ has been previously deported from the United States on February 17, 1997. Further record checks also revealed that ALVAREZ has an extensive criminal and Immigration record.

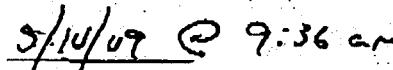
Agent C. Rubalcava witnessed Agent K. Poiriez read ALVAREZ his rights per Miranda. ALVAREZ stated he understood his rights and was willing to talk to agents without an attorney present. ALVAREZ admitted he has been deported from the United States. ALVERAZ stated he was aware he entered the United States illegally without the proper documentation. ALVAREZ admitted he has never sought nor received permission to re-enter the United States from the United States Attorney General or his designee, the Secretary of Homeland Security.

Executed on May 10, 2008, at 9:00 AM.


Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe the defendant named in this probable cause statement committed the offense on May 8, 2008, in violation of Title 8, United States Code 1326.


Honorable Cathay Ann Bencivengo
United States Magistrate Judge


5/10/08 9:36 am
Date/Time